



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

) Mag. Case No. **'08 MJ 8657**

Plaintiff,

) COMPLAINT FOR VIOLATION OF:

v.

) Title 8, U.S.C., Section 1324(a)(1)(A)(ii)

Jesus VILLALOBOS-Vazquez

) Illegal Transportation of Aliens

Defendant

)

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The undersigned complainant, being duly sworn, states:

On or about July 15, 2008, within the Southern District of California, defendant Jesus VILLALOBOS-Vazquez, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, Guadalupe MACHORRO-Torres, Arturo CASTILLO-Jimenez and Maria De La Cruz RESENDIZ-Perez had come to, entered or remained in the United States in violation of law, did transport or move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant states that this complaint is based on the attached statement of facts which, is incorporated herein by reference.

Senior Border Patrol Agent

SWORN TO BEFORE AND SUBSCRIBED IN MY PRESENCE THIS 15th DAY OF JULY 2008.

Peter C. Lewis
United States Magistrate Judge

1 UNITED STATES OF AMERICA

2 v.

3 Jesus VILLALOBOS-Vazquez

4 STATEMENT OF FACTS

5 The complainant states that this complaint is based upon statements in the investigative
6 reports by the apprehending officers, BPA J. Vega Torres that on July 15, 2008, the defendant, a
7 native and citizen of Mexico was apprehended near Calexico, California, as the driver of a black
8 1996 Plymouth bearing Baja plates, BDF1014, as he smuggled five undocumented aliens from
9 Mexico into the United States in violation of law.

10 On July 15, 2008, at approximately 8:40 a.m., the Remote Video Surveillance (RVS)
11 operators observed a group of individuals walk across the International Boundary between the
12 United States and Mexico approximately 15 miles east of the Calexico, California, Port of Entry.
13 RVS operators subsequently observed the individuals board a raft and cross the All American
14 Canal. RVS operators advised Border Patrol Agents in the area.

15 After crossing the All American Canal in the raft, a group of five suspected illegal aliens
16 began walking and running northbound towards a nearby paved road. The group continued
17 northwest until reaching a fence which encircles a parking lot north of the All American Canal
18 and east of the East Calexico Port of Entry. As the group was reaching the north end of the
19 parking lot, near Agents Vega-Torres and Cowart's location, both Agents observed a 1996
20 Plymouth Neon drive southbound on Nina Lee Road towards the group. Agents Vega-Torres and
21 Cowart clearly observed that the driver, later identified as Jesus VILLALOBOS-Vazquez, was
22 the only occupant and driver of the Neon. VILLALOBOS continued south on Nina Lee Road
23 until reaching the location of the group. Four of the suspected illegal aliens got into the
24 passenger areas of the Plymouth Neon. The remaining suspected alien attempted to place
25 himself inside the trunk of the vehicle. As a suspected alien was getting into the trunk,
26 VILLALOBOS began to drive northbound on Nina Lee with the suspected alien still not fully
27 within the trunk of the vehicle. As VILLALOBOS continued north, the suspected alien
28 eventually was able to fully position himself within the trunk of the Neon and to close the trunk
29 himself.

1 Agents Vega-Torres and BPA Cowart immediately began to follow the vehicle. Agent
2 Vega-Torres informed agents to be prepared to deploy a Controlled Tire Deflation Device
3 (CTDD). VILLALOBOS turned north onto Menvielle Road heading towards the intersection
4 with Highway 98. At Highway 98, Agent Vega-Torres activated his emergency lights and sirens
5 in an attempt to stop the Neon. VILLALOBOS ignored the emergency lights and sirens and
6 failed to yield. Agent Wells deployed his CTDD, which slowly deflated three of the Neon's tires.
7 The vehicle still did not yield. Agent Castaneda deployed his own CTDD, which was also
8 successful. After this second successful deployment, and as Agent Vega-Torres continued to
9 pursue the Neon westbound on Highway 98, VILLALOBOS finally stopped on the north
10 shoulder of Highway 98 near the intersection of Anderholt Road.

11 Once the Neon came to a complete stop, agents approached the Neon and identified
12 themselves as United States Border Patrol Agents. BPA Castaneda ordered VILLALOBOS to
13 turn off the vehicle and to exit the vehicle. VILLALOBOS complied and Agent Castaneda
14 questioned VILLALOBOS as to his right to be, stay or remain in the United States.
15 VILLALOBOS admitted to being in the United States illegally. Agent Vega-Torres secured the
16 vehicle and conducted an immigration check on the remaining occupants. All the subjects admitted
17 to being in the United States illegally.

18 Agent Vega-Torres advised VILLALOBOS of rights as per Miranda and was witnessed
19 by Agent Espinoza. VILLALOBOS stated he met a man in Mexicali known as "Chamarras."
20 "Chamarras" asked VILLALOBOS if he would agree to pick up some illegal aliens who would
21 illegally cross into the United States, and VILLALOBOS stated he agreed to do this.
22 VILLALOBOS believes he was going to get approximately \$100.00 - \$200.00 for picking up and
23 driving the illegal aliens further into the United States. VILLALOBOS stated he was arrested
24 while still in the driver's seat of the Neon.

25 Material Witnesses Guadalupe MACHORRO-Torres, Arturo CASTILLO-Jimenez, and
26 Maria De La Cruz RESENDIZ-Perez stated they made arrangements to pay a smuggler between
27 \$1,800.00 and \$2,500.00 each to be smuggled to Los Angeles, California. MACHORRO,
28 CASTILLO and RESENDIZ positively identified VILLALOBOS from a six-pack photo line-up
29 as the driver of the Plymouth.

1 The complainant states that the names of the Material Witnesses are as follows:
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| <u>NAME</u> | <u>PLACE OF BIRTH</u> |
|---------------------------------|-----------------------|
| Guadalupe MACHORRO-Torres | Mexico |
| Arturo CASTILLO-Jimenez | Mexico |
| Maria De La Cruz RESENDIZ-Perez | Mexico |

8 Further, complainant states that Guadalupe MACHORRO-Torres, Arturo CASTILLO-
9 Jimenez and Maria De La Cruz RESENDIZ-Perez are citizens of a country other than the United
10 States; that said aliens have admitted that they are deportable; that their testimony is material,
11 that it is impracticable to secure their attendance at the trial by subpoena; and they are material
12 witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to
13 Title 18, United States Code, Section 3144.
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